

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Tuesday, May 29, 2012**

Present:

Trustee Brandt (Arrived at 8:05)	Trustee Feldman
Trustee Grujanac	Trustee McDonough
Trustee Saltiel	Trustee Servi
Mayor Blomberg	Village Clerk Mastandrea
Village Manager Irvin	Director of Community Development McNellis
Director of Financial Systems Roelker	Director of Public Works Hughes
Police Chief Kinsey	Village Attorney Simon
Village Treasurer Curtis	

Location: Village Hall, Public Meeting Room, One Olde Half Day Road, Lincolnshire, Illinois 60069

ROLL CALL

Mayor Blomberg called the meeting to order at 7:18 p.m. and Village Manager Irvin called the Roll.

APPROVAL OF MINUTES

2.1 Acceptance of the May 14, 2012 Special Committee of the Whole Town Meeting Minutes

2.11 The minutes of the May 14, 2012 Special Committee of the Whole Town Meeting were accepted as submitted.

2.2 Acceptance of the minutes of the May 14, 2012 Committee of the Whole Meeting

2.21 The minutes of the May 14, 2012 Committee of the Whole Meeting were accepted with the change to state "Trustee Feldman's child attended the Community Christian Montessori Nursery School."

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration and discussion of a request for Referral of a Special Use to establish a new PUD in the R5 Zoning District, to include a specialty grocery store and commercial outlot, with relief from certain

zoning and signage requirements, for the approximately 7.2 acre property, located at the northeast corner of Half Day Road and Milwaukee Avenue (Village of Lincolnshire/Inland Real Estate Corp./The Fresh Market)

Director of Community Development McNellis said the request is in regards to the southern 7.2 acres of the Village owned property. The property is located in the downtown redevelopment district, which encompasses more than eleven acres at the northeast corner of Route 22 and Milwaukee Avenue known as the "triangle property." The proposal is for a 23,476 square foot Fresh Market grocery store and a commercial outlot. The outlot would accommodate a 5,000 square foot building and at this time there is no design or tenant. The proposal from Fresh Market includes a spine road that would go from the existing entrance on Route 22 to an access point on Milwaukee Avenue and parking for the grocery store and outlot. Two initial designs for the Fresh Market have been provided to the Board as has the overall site concept.

Director of Community Development McNellis said the proposed site plan and specialty grocery store building concept meet Village bulk zoning regulations in all areas except for building height. The maximum building height permitted in R5 zoning districts is 40' and the two proposed building concepts are for 46' and 50'. Currently, the Village Green tower and the Village Green condos exceed this R5 zoning height. Director of Community Development McNellis said this request would also require signage relief. Staff does not believe this is the time to develop a Master Sign Plan and think it would be appropriate to develop the plan in conjunction with the design approval for the outlot. Director of Community Development McNellis said parking has been provided, which meets and exceeds Village Code requirements by at least 17 spaces. A landscape plan has been provided to screen the relocated cell tower site that includes additional screening with mature evergreen trees. Finally, staff noted that the Fresh Market is proposing to sell items outside the building, which is not something currently permitted by Code and recommends this being limited to plant material and flowers or similar items. Director of Community Development McNellis said the action being requested by the petitioner is referral to Village Board for Public Hearing for Special Use for a PUD, with zoning and signage relief. Referral would need to be made to the ARB for the building design review.

Mark Ethun, with TFF Architects representing Fresh Market and Tom Bowman with Fresh Market were introduced. Mr. Ethun gave his background and history with Fresh Market. Mr. Ethun said the site is a good location and gave a presentation of the Fresh Market proposal and

concepts presented. Mr. Ethun said they were interested in using brick and a mix of materials to include stone. Canopies were shown on both concepts to give the building an appropriate feel for a downtown district and the use of a more residential look for the building. The southeast entrance would be the primary entrance. Some of the front elevation materials are carried over to the side elevations on both concepts.

Trustee Saltiel asked if the proposed columns were wood and if the proposed roofing material are shingles. Mr. Ethun said the columns would be wood and the roof materials would be an architectural grade asphalt shingle that looked like weathered wood. Trustee Saltiel asked about the two concepts and the differences between the two. Mr. Ethun said Director of Community Development McNellis suggested bringing two concepts before the Board and get some discussion and ideas from both. Mr. Ethun said in concept two, there is an added stone water table, part of the stone border is omitted, the tower is raised 4', more glass is added to the tower and the shingle siding is switched to board and bat. Trustee Saltiel asked what the reason was for raising the height of the tower and wanted to know what would be behind the glass in the second concept. Mr. Ethun said the entrance foyer would be behind the glass but the interior concepts have not been completed. Mr. Bowman said lighting would most likely be behind the glass in both of the concepts. Trustees Saltiel and Feldman said they both prefer concept one. Mr. Bowman agreed with Trustees Saltiel and Feldman in that he preferred concept one. Trustee Feldman suggested adding an entrance to the north.

Trustee Feldman asked how many trucks would be coming in and out each day and would the trucks be parked completely behind the truck bay. Mr. Bowman said the largest delivery is a semi-trailer that is approximately 73½' long and there is usually one large delivery at a time. Smaller deliveries will come throughout the day. Trustee Saltiel asked how tall the semi trailers are. Mr. Bowman said the semi-trailers are generally 13' in height and since the dock slopes down, the truck will not be visible in the truck bay.

Trustee Saltiel asked about the signage and how it would be lit. Mr. Bowman said Fresh Market standard signage is internally lit, but they have changed this to comply with other municipalities. Director of Community Development McNellis said the Code specifies either backlit or external; not internally lit for signage.

Trustee Grujanac asked about the placement of the building and wanted to know if it would make sense to move it. Village Manager Irvin said the placement of the building is set, based on Lake County SMC, Army Corps. and Storm Water Management as well as the access points from

IDOT. Director of Community Development McNellis said according to Lake County SMC, the building cannot be placed east of the spine road. Trustee Feldman asked if the entrance on Half Day Road would be a right-in only. Director of Community Development McNellis said the Half Day Road entrance would be a right-in/right-out only. Trustee Grujanac did not like the big window in concept two but liked how everything was planned for the site. Trustee McDonough said he liked portions of both concepts. Trustee Servi said he liked the tower in concept one and south elevation in two and did not like the fake loading doors. Trustee Saltiel asked Mr. Bowman if he was comfortable with the visibility on the corner and did he think this was enough to draw people to the store. Mr. Bowman said the signage would help as would the tower and he was confident word would get out about the store. Mayor Blomberg said he was in favor of concept one and was not opposed to the tower being a little taller.

Director of Community Development McNellis said it was important for the Fresh Market to get some direction in regards to outside sales. Mayor Blomberg and Trustees Saltiel and Brandt said they were in favor of staff's recommendation for outside sales.

The consensus of the Board was to refer this to the Village Board for Public Hearing for Special use for a PUD, with zoning and signage relief and to the Architectural Review Board for the building design review.

- 3.12 Consideration and discussion of a Zoning Board recommendation regarding a request for a variation from Section 6-8-7(B) of the Village Code to increase the Floor Area Ratio (FAR) from the maximum Code-permitted 50% to 52% (an increase of 9,000 square feet), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard (Harris Architects/Durable Packaging International)**
- 3.13 Consideration and discussion of a request for a variation from Section 6-11-3 (B)(5) of the Village Code to defer construction of 64 Code-required parking spaces, through landbanking, as permitted per Section 6-14-11(D)(6), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard (Harris Architects/Durable Packaging International)**
- 3.14 Consideration and discussion of an Architectural Review Board recommendation regarding a site plan; landscape plans; building elevations, materials and colors; rooftop equipment screening plan, and an exterior lighting plan, for a proposed 78,000-square foot**

**warehouse building addition to an existing office/warehouse building,
located at 450 Barclay Boulevard (Harris Architects/Durable
Packaging International)**

Director of Community Development McNellis requested items 3.12, 3.13 and 3.14 be opened up at the same time.

Director of Community Development McNellis said the first two agenda items are in relation to a Zoning Board recommendation regarding variation requests. The Zoning Board recommended approval by a vote of four to one to increase the site Floor Area Ratio from 50% to 52% in item 3.12.

The Zoning Board unanimously recommended approval of the variance to defer 64 of the 128 required parking spaces with a few conditions in item 3.13. The first condition was parking would be built in the future, at the Village's discretion, if it became an issue on the site. Secondly, the land banked parking area would be established as turf and no other structures would be built on it. Finally, the Village would need confirmation from Lake County SMC that no additional detention is needed. Director of Community Development McNellis said the ARB reviewed the Building, Elevation, Site and Landscape Plans in relation to item 3.14. After two meetings in regards to this building addition, the ARB unanimously recommended approval of all design plans with a stipulation in regards to the specific approved colors for the bottom versus the top part of the façade. Director of Community Development McNellis said the approval came despite objections from staff with regards to the material and proposed design along Barclay Blvd. Staff does believe however, the future proposed landscaping is appropriate for the site and will help screen the buildings appearance.

Rick Harris, Architect for Durable Packaging and Darren Anderson from Durable Packaging came before the Board to answer questions.

Trustee Saltiel said he had no problems with the landbanking for parking but did question the variance and whether the standards are being met for pushing the FAR to 52%. Trustee Saltiel said he thinks the design is incredibly bland with long expanses of wall and feels it needs to be broken up. Trustee Servi said he agrees with Trustee Saltiel in regards to the FAR variance requirements. Mr. Anderson said Durable Packaging is currently occupying almost 600,000 square feet of space and if this is cut down, they will not be able to accommodate what they currently have. Mr. Anderson said it would not make sense to build a 50,000 square foot addition and rent out another 20,000 square foot space elsewhere. Trustee Saltiel said other buildings in the area are nowhere near the requested FAR ratio. Mr. Harris said many of the buildings in the area take up land

with parking and are utilized for office space and not warehouse. Trustees Brandt and Grujanac said they were in favor of increasing the FAR but the design and long wall of the addition needed to be revised. Trustee Feldman said the landscaping in the future would help break up the wall. Mr. Harris said the trees and landscape plan were depicted to show the building, so there are actually more trees planned and there is a small panel, which gives some relief and variation along the wall. Trustee Saltiel asked what staff recommended in regard to the architecture that the ARB did not adopt. Director of Community Development McNellis said staff recommended brick on the bottom of the building to have a closer match to the existing building or more repetition of windows or faux windows at a higher level. Director of Community Development said if windows were added, every three panels, it could break up the wall. One of the ARB members, who is an architect, proposed a form-line concrete panel along the wall, but the ARB did not recommend this either. Trustee Feldman said she is in favor of how the addition looks since it is a warehouse. Trustee Brandt requested a drawing be done with windows every three panels and bring it back to the Board for review. Mayor Blomberg suggested Durable Packaging bring back a few sketches showing variations of the wall. Trustee Servi said he thought the current plan was acceptable.

Mayor Blomberg asked Village Attorney Simon if the petitioner had grounds for the FAR variance. Village Attorney Simon said he would need to look at the Findings of Fact to determine if the FAR variance request was legitimate. Trustee McDonough said he was not opposed to the FAR variance but would like to know if the standards were met. Trustees Brandt, Feldman and Grujanac were in favor of approving the variance for FAR.

It was the consensus of the Board to have Durable Packaging come back to the Regular Village Board with sketches to include windows on the addition and address the standards of the variation request in regards to the increase of the FAR.

3.3 Public Works

3.31 Consideration and discussion of the Granting of a Waiver to the Lincolnshire Community Association of the Requirement to Provide Cash Bond to Conduct a Race on a Village Street (Lincolnshire Community Association)

Director of Public Works Hughes said for the thirtieth consecutive year, LCA is proposing to host a race on Village streets on the 4th of July. In the past, the Village has waived the bond that is required as a condition of

the Village Street Use Policy. LCA is requesting approval of both the permit and the waiver of the bond.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.32 Consideration and discussion of an Ordinance Amending Chapter 15 of Title 1 Comprehensive Fee Schedule of the Lincolnshire Village Code to Update Water Meter Fees (Village of Lincolnshire)

Director of Public Works Hughes said at the last meeting, the Professional Service contract was approved to move forward with the Automated Water Meter Reading System. Pursuant to this, the Village will need to purchase new meters for new installations. The prices apply only to new installations in commercial and residential.

Trustee Saltiel asked if staff was comfortable with the costs compared to what other Villages were paying. Director of Public Works Hughes said staff is comfortable with the costs.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.33 Consideration and discussion of an Award of a Contract to Schroeder Asphalt Services of, Huntley, Illinois, in an Amount Not to Exceed \$45,000.00 for Pavement Patching (Village of Lincolnshire)

Director of Public Works Hughes said as part of the 2012 Capital Budget, two projects were approved to do pavement patching at North Park and at selected streets throughout the Village. The Village partnered with Lake Bluff, Lake Forest and Highland Park to seek one contract to improve the bid price and this is a not-to-exceed contract. Staff is seeking approval of this contract.

There was a consensus of the Board to place this item on the Consent Agenda for approval for the next regular Village Board Meeting.

3.4 Public Safety

3.41 Consideration and discussion of a Proposed Change to Section 3-3-2-1 (C) of the Village Liquor Control Ordinance Regarding the Prohibition Against Patrons Bringing Their Own Alcoholic Beverages into Licensed Restaurants for Consumption (Village of Lincolnshire)

Police Chief Kinsey said at the last meeting staff was to follow up with the five remaining restaurants that did not respond to the original request, asking their opinion on this possible ordinance change. Staff had meetings with the General Managers and one owner from these remaining five restaurants and all were opposed to the ordinance change. The reasons the restaurants oppose this were due to concern about what is actually being brought into the restaurants, concern about consumption with regard to being under the legal age, would the restaurants have the right to take away a personal bottle if they felt someone was over served and insurance issues. Police Chief Kinsey said the Board directed staff to ask Eddie Merlot's and at this time Eddie Merlot's has not responded.

Police Chief Kinsey said staff was asked to research ordinances in other communities in regards to if the other communities having an ordinance that prohibits patrons from bringing in their own alcoholic beverages into a licensed restaurant; into a non-licensed restaurant; and if it is permissible, were there any limitations to quantity and type of alcohol. In five of the eleven municipalities reviewed, the issue is not addressed one way or another in their Code and the decision is left to the restaurant management. The Code is not clear for Highwood and when asked, they would allow it. Four of the municipalities clearly prohibit the possession, service or consumption of any alcoholic beverages in any restaurant, except the alcoholic beverages for sale at retail as permitted by license class. Lake Forest and Northbrook permit patrons to bring their own alcoholic beverages into restaurants, but only those that carry a Class "I" license and Northbrook restricts the alcoholic beverages brought in by patrons to beer and wine.

Police Chief Kinsey said finally the Board asked staff about the legality of removing an unfinished bottle of wine from a restaurant and this is addressed under State Statute, which states that the patron can remove one bottle of wine provided the patron has purchased a meal and consumed a portion of the bottle of wine with the meal and the bottle of wine will be securely sealed by the licensee or an agent of the licensee prior to removal.

Trustees Brandt, Grujanac and Saltiel agreed that the ordinance should not be changed. Trustee McDonough thought the ordinance should be changed to let the restaurants decide. Trustee Saltiel said when the establishments are asked and state they do not want it, then the ordinance should not be changed.

There was a consensus of the Board to leave the ordinance in place with no change to Section 3-3-2-1.

4.0 UNFINISHED BUSINESS

Director of Community Development McNellis asked if the Carl Haas request should be discussed at this time. Mayor Bloomberg said the Board is reaching out to businesses and to include Carl Haas on the list. Director of Community Development McNellis informed the Board that June 1, 2012 is the deadline for this request. Mayor Bloomberg said he would contact them the next day and find out the situation. Director of Community Development McNellis said Carl Haas has one sign without landscaping and this could be completed for approximately \$1,000. They would not need a landscape architect and can come in with a plan of their own. Director of Community Development McNellis said there is a deadline, but with many property maintenance issues, once the deadline comes up a letter can go out stating they are past the deadline and now need to comply. Mayor Bloomberg said he was not looking to extend the time, but would like to talk to them and find out the situation.

5.0 NEW BUSINESS

Village Manager Irvin asked the Board if they received an e-mail should have been received from Engineering Supervisor Rob Horne in regards to round-about signs. As discussed in the last meeting, one of the current signs was tilted up for the Board to view. Trustees Saltiel and Brandt said they thought it looked much better. Trustee Feldman said she was not in favor of the current signs.

6.0 EXECUTIVE SESSION

Trustee McDonough moved and Trustee Brandt seconded the motion to go into Executive Session for the purpose of discussing land sale and personnel. The roll call vote was as follows: AYES: Trustees Feldman, Servi, McDonough, Brandt, Grujanac and Saltiel. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried and the Board went into Executive Session at 9:02 p.m. and came out of Executive Session at 10:50 p.m.

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Feldman seconded the motion to adjourn. The voice vote was unanimous and the Mayor declared the meeting adjourned at 10:50 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

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